

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                        |   |              |
|------------------------|---|--------------|
| RANDALL DUCHESNEAU,    | : | CIVIL ACTION |
|                        | : |              |
| Plaintiff,             | : | NO. 08-4856  |
|                        | : |              |
| v.                     | : |              |
|                        | : |              |
| CORNELL UNIVERSITY and | : |              |
| TUMBLTRAK,             | : |              |
|                        | : |              |
| Defendants.            | : |              |

**ORDER**

AND NOW, this 30th day of September, 2009 it is ORDERED that:

1. Defendant Cornell University's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and (3), or, in the Alternative, Transfer This Action to the U.S. District Court for the Northern District of New York (Docket No. 5) is DENIED;
2. Defendant Tumbtrak's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(3) (Docket No. 4) is DENIED;
3. A Fed. R. Civ. P. 16 conference shall be held by telephone on December 3, 2009, at 11:30 a.m. Counsel for Plaintiff shall initiate the call to Chambers.
  - A. The parties shall make the required initial disclosures pursuant to Fed. R. Civ. P. 26(a) within 14 days of the date of this Order.
  - B. The parties shall commence discovery immediately and shall have conducted substantial discovery before the Rule 16 conference.
  - C. After consultation with counsel for all parties, counsel shall complete the required **Report of Rule 26(f) Meeting** and file the same with the Clerk of Court at least 5 business days prior to the Rule 16 conference. Counsel

shall incorporate all the information described in Judge Jones' form

Report, which can be found at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

4. At the Rule 16 conference, the parties shall be prepared to discuss: (a) settlement negotiations to date; (b) referral to a Magistrate Judge for settlement negotiations; and (c) referral to a Magistrate Judge for all proceedings. At that time, the Court will also discuss scheduling.

BY THE COURT:

/s/ C. Darnell Jones II

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C. DARNELL JONES II, J.